

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

2008 JAN 14 AM 11:21

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector GUILLEN-Guiltron,

Defendant

Magistrate Docket No.

'08 MJ 0096

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

KNIT
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about **January 12, 2008** within the Southern District of California, defendant, **Hector GUILLEN-Guiltron**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JANUARY
2008


 Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Hector GUILLEN-Guiltron****PROBABLE CAUSE STATEMENT**

On January 12, 2008, at approximately 11:30 p.m., while working line watch duties west of Campo, California, Senior Border Patrol Agent R. Godreau responded to a sensor activation. This area is approximately nine miles east of the Tecate, California, Port of Entry, and half a mile north of the US/Mexico International Border, and is well known for alien and narcotics smuggling activities. Agent Godreau soon encountered four individuals trying to conceal themselves in the surrounding brush. Agent Godreau identified himself as a United States Border Patrol Agent and questioned each of the individuals including the one later identified as the defendant **Hector GUILLEN-GUILTRON** as to their citizenship. All four individuals admitted to being citizens and nationals of Mexico present in the United States without any immigration documents allowing them to enter or remain in the United States legally. Agent Godreau placed all four subjects under arrest and transported them to the Tecate Processing Center in Tecate, California, for records checks and interviewing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 15, 2007 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.